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Birch, Stewart, Kolasch & Birch, LLP**RECEIVED****MAR 18 2004****Special Program Unit
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To:	Krista Zele	From:	Scott L. Lowe
Fax:	703-746-5919	Date:	March 18, 2004
Phone:	703-305-4701	Pages:	16 (including cover sheet)
Your Ref.:		Our Ref.:	3855-0144P
Re:	US Appl. No. 09/353,316	CC:	

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Fax Cover Sheet

Date: 14 Nov 2003

To: Scott Lowe	From: Charles Applah
Application/Control Number: 09/353,316	Art Unit: 2686
Fax No.: 703-205-8050	Phone No.: 703 305-4772
Voice No.: 703 205-8094	Return Fax No.: 703-872-9314
Re: Courtesy copy of final action	CC:

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Comments:

Please find attached the courtesy copy of the final action re-mailed on April 29, 2003.

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Number of pages ¹⁵ including this page

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/353,316	07/14/1999	JAMES J MACOR	MACOR	3305

1,590

04/30/2003

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. BOX 747
FALLS CHURCH, VA 22032-0747

EXAMINER

APPLAH, CHARLES NANA

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 04/30/2003

email 4/29/03

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

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MAR 18 2004

Special Program Unit
Group 2700

Office Action Summary

Application No.

09/353,316

Applicant(s)

MACOR, JAMES J

Examiner

Charles Applah

Art Unit

2682

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 8-10, 16-18, 20 and 23-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1, 2, 4, 5, 8-10, 16-18, 20 and 23-32 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-848) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Notice of References Cited	Application/Control No. 09/353,316	Applicant(s)/Patent Under Reexamination MACOR, JAMES J	
	Examiner Charles Appiah	Art Unit 2882	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,814,798	09-1998	Zancho, William F.	235/380
	B	US-6,035,221	03-2000	Snyder et al.	455/588
	C	US-6,073,031	06-2000	Helstab et al.	455/557
	D	US-6,208,011	03-2001	Vong et al.	708/112
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 17

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DETAILED ACTION***Response to Arguments***

1. Applicant's arguments with respect to claims 1-2, 4-5, 8-10, 16-18, 20 and 23-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-2, 8-10, 16-18, 23-25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Zancho (5,814,798)** in view of **Nguyen (5,797,089)**.

Regarding claims 1 and 10, Zancho discloses as illustrated in Figure 6, a computer and mobile communication handset system, comprising: a computer base station (221), a hand-held mobile device, separable from the computer base station, containing a wireless telephone unit (201), the wireless telephone unit a speaker and a microphone (conventional features of cellular telephone 201), and a personal organizer including a first plurality of input keys and a display (231), first wireless radio-frequency data transfer unit in the computer base station (inherent in exchange of data between the computer base station and the personal organizer), and a second wireless radio-frequency transfer unit located in the hand-held mobile device for transferring data between the personal organizer unit and the computer base station (inherent in exchange of signals between the cellular telephone and the computer).

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Zancho fails to disclose an embodiment in which the hand-held mobile device contains both the wireless telephone unit and the personal organizer integrated into the same housing.

Nguyen discloses a personal communications terminal, as illustrated in Figures 1-2, that comprises a mobile telephone unit and a personal digital assistant including the capability of passing data between the personal digital assistant unit and the mobile telephone unit (see col. 3, lines 1-15). Nguyen shows the PDA being capable of performing functions like a calculator, agenda, clock, notepad and editors (text, graphics, image), (see col. 5, lines 39-45), which clearly shows the function of a personal organizer. Furthermore, Nguyen teaches that having a terminal with the full capabilities of a personal computer, a keyboard large enough for manual entry and a display screen mounted in a protected location and which allows the full use of the terminal in a rugged mobile environment is a distinct advantage for providing a personal communication terminal which can perform as a mobile telephone while transmitting, receiving, and displaying text or image data (see col. 1, line 64 to col. 2, line 59).

It would therefore have been obvious to one of ordinary skill in the art to replace the separate mobile telephone unit and organizer unit of Zancho with Nguyen's integrated personal communications terminal in order to have the advantage of a terminal having the full capabilities of a mobile telephone and a personal computer while transmitting, receiving, and displaying text or image data.

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Regarding claim 2, Zanchi shows the base station comprises a keyboard for entering organizer information and a monitor for displaying organizer information (221, Fig. 6).

Regarding claim 8, Zanchi fails to explicitly teach that the mobile device comprises a hinged cover located over the display screen.

Nguyen's personal communication terminal as illustrated in Figures 1 and 2 shows a hinged cover located over the display screen (hinge 14).

It would therefore have been obvious to one of ordinary skill in the art to use Nguyen's personal communication terminal as the mobile device with Zanchi's system in order to have a portable, more compact and rugged device with the full capabilities of a mobile telephone and a personal computer while transmitting, receiving, and displaying text or image data.

Regarding claim 9, the combination of Zanchi and Nguyen shows, as taught by Nguyen, a switch associated with the hinged cover for on-off controlling the display screen (see col. 3, lines 56-63 and col. 4, lines 7-22).

Regarding claim 23, the combination of Zanchi and Nguyen teach as inherently disclosed by Nguyen that, an incoming call to the mobile device is routed to one of the wireless telephone unit and the personal organizer unit based on the state of the switch (see Fig. 4, col. 6, lines 16-54). It is inherent that that PCT when utilized as wireless data terminal has the capability of receiving a data message in the open position while when telephone unit power ON allows the enabling of normal telephone functions which include reception of an incoming telephone call.

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Regarding claims 24-25, and 29-30, the combination of Zanchi and Nguyen discloses, as taught by Nguyen that, the wireless telephone unit includes a second plurality of keys (12) and a second display screen (11), wherein the first plurality of keys and the first display screen are located on a first side of the housing and the second plurality of keys and the second display screen are located on a second side of the housing opposite to the first side (see Figures 1-2).

Regarding claim 16, Zanchi teaches as illustrated in Figure 6, a communications and personal organizer method comprising the steps of: inputting organizer data into a computer base station, transmitting organizer data including personal scheduling information via a wireless radio-frequency signal from the computer base station to a personal organizer and using the personal organizer data to view or manipulate (feature of capability to exchange information or data and/or signals between computer 221 and personal organizer 231). Zanchi further shows a wireless telephone unit (201), which is conventionally used for wireless telephone voice communication. Zanchi fails to disclose that the personal organizer is located in a mobile handset separable from the computer base station.

Nguyen discloses a personal communications terminal as illustrated in Figures 1-2, that comprises a mobile telephone unit and a personal digital assistant including the capability of passing data between the personal digital assistant unit and the mobile telephone unit (see col. 3, lines 1-15). Nguyen shows the PDA being capable of performing functions like a calculator, agenda, clock, notepad and editors (text, graphics, image), (see col. 5, lines 39-45), which clearly shows the function of a

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personal organizer. Furthermore, Nguyen teaches the personal communication unit being a terminal with the full capabilities of a personal computer, a keyboard large enough for manual entry and a display screen mounted in a protected location and which allows the full use of the terminal in a rugged mobile environment is a distinct advantage for providing a personal communication terminal which can perform as a mobile telephone while transmitting, receiving, and displaying text or image data (see col. 1, line 64 to col. 2, line 59).

It would therefore have been obvious to one of ordinary skill in the art to replace the separate mobile telephone unit and organizer unit of Zanchi with Nguyen's integrated personal communications terminal in order to have the advantage of a terminal having the full capabilities of a mobile telephone and a personal computer while transmitting, receiving, and displaying text or image data.

Regarding claims 17 and 18, Zanchi's computer (221) having a keyboard as illustrated in Figure 6, and being capable of exchanging signals or data between the computer and the personal organizer (231) suggests the step of inputting organizer data via a keyboard connected to the base station, wherein the inputting step also comprises transferring organizer data from the personal organizer unit to the computer base station.

4. Claims 4, 5, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zanchi and Nguyen as applied to claim 2 above, and further in view of Henderson (6,035,214).

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Regarding claims 4 and 5 Zanchi as modified by Nguyen fails to teach that the base station comprises a cradle for receiving the mobile device wherein the cradle includes nodes for charging the mobile device, and wherein the nodes transfer data to the personal organizer unit of the mobile device.

Henderson discloses a computer integrated with a telephone in which the telephone handset can be mounted in a cradle attached to the computer and the cradle includes nodes for charging the handset and the nodes form part of the data transfer system (cellular telephone drawing power from laptop's power source or battery while in the cradle, enabling recharging of cellular telephone's battery, see col. 4, lines 18-35).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Henderson by having a cradle attached to the computer with the system of Zanchi and Nguyen in order to provide a versatile portable personal communication device with increased power supply through continuous charging of local power sources such as batteries.

Regarding claims 20 and 31, Zanchi's teaching of the exchange of data or signals between the computer base station and the personal organizer as illustrated in Figure 6 suggests the capability of transmitting organizer data via the wireless radio-frequency while the organizer is remote from the computer base station. Zanchi as modified by Nguyen fail to explicitly teach transferring the organizer data via terminals of a cradle connected to the computer base station while the mobile handset is located in the cradle.

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Henderson discloses a computer integrated with a telephone in which a telephone can be mounted in (or removed from) a cradle and that while the phone is in the cradle the telephone handset would be connected to the computer by an electrical connector in the cradle of the laptop (see col. 4, lines 1-27), suggesting the capability of exchanging data via terminals of a cradle connected to the computer base station while the mobile handset is located in the cradle with the cellular telephone drawing power from laptop's power source or battery while in the cradle, enabling recharging of cellular telephone's battery (see col. 4, lines 27-35).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Henderson by being able to exchange signals or data such as organizer data with a mobile unit in the computer cradle with the system of Zanchi and Nguyen for the benefit of ergonomically incorporating the combined telephone and personal organizer into the layout of the computer for integrated or modular operation such as transmitting or downloading of data between a computer and portable mobile communication device while recharging the mobile telephone's battery as taught by Henderson.

5. Claims 26, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zanchi and Nguyen as applied to claim 10 above, and further in view of Mital (5,878,282).

Regarding claims 26 and 27, the combination of Zanchi and Nguyen do not teach wherein the wireless, radio-frequency data transfer unit can receive an alert signal from the computer base station indicative of a time of a scheduled appointment, and

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wherein the personal organizer unit causes an alert to be issued in an audible in an audible or visual form in response to the alert, wherein the alert is issued in an audible form using the speaker of the wireless telephone unit.

Mital discloses a system for exchanging information between a computer and programmable information device (see title, abstract). According to Mital, the portable information device (PID) has an audio sound generator, which is capable of generating different and distinct audio sounds including distinct digit tones that can be recognized by the telephone system (see col. 7, lines 26-40). Mital further teaches that the sound generator can also be used to produce distinct alarm sounds to notify a user of upcoming schedules events, for example, the alarm being programmed to sound off at 15 minutes before a meeting (see col. 7, lines 41-52), reading on the provision and reception of an alert signal indicative of a time of scheduled appointment with the alert being issued in audible form through a speaker of the PID or in visual form through a display (see col. 6, lines 4-11).

It would therefore have been obvious to one of ordinary skill in the art to incorporate the above teaching of Mital by providing the capability of alerting into the system of Zanchi and Nguyen for the benefit of providing notification signals to indicate scheduled appointment times.

Regarding claim 28, the combination of Zanchi, Nguyen and Mital meet all limitations as applied above to claims 26 and 27. Mital further teaches the portable information device (PID) has an audio sound generator, which is capable of generating different and distinct audio sounds including distinct digit tones that can be recognized

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by the telephone system (see col. 7, lines 26-40), but the combination of Zanchi, Nguyen and Mital do not explicitly teach wherein the audible form is a first ring tone which is distinctive from a second ring tone associated with an incoming call to the wireless telephone unit. However since Mital teaches the capability of generating different and distinct digit tones which, can be recognized by the telephone system, it would have been obvious to one of ordinary skill in the art to use the teaching of Mital to generate distinct ring tone signals in order to distinguish between incoming call ringing tone signals from schedule notification tone signals in the combination of Zanchi, Nguyen and Mital.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zanchi, Nguyen and Henderson as applied to claim 20 above, and further in view of Snyder et al. (6,035,221).

The combinations of Zanchi and Nguyen as modified by Henderson fail to teach operating the wireless telephone unit as a speakerphone, while the mobile handset is seated in the cradle.

Snyder discloses a speaker phone module that includes a housing defining a cradle in which a cellular telephone operates as a speaker phone while the cellular telephone is seated in the cradle and supporting a battery charger (see Fig. 4B, col. 17-42). Snyder's invention enables a user to add speaker phone capabilities to an existing battery charger unit or to utilize a speaker phone without a battery charger which device is of great benefit to the consumer (see col. 1, line 26 to col. 2, line 5).

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It would have been obvious to one to one ordinary skill in the art to combine the teaching of Snyder with the system of Zanchi, Nguyen and Henderson in order to provide the benefits of having a combined speaker phone and battery charger to the user.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vong et al. (6,209,011) discloses a handheld computing device with external notification system.

Helstab et al. (6,073,031) discloses a desktop docking station for use with a wireless telephone handset.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

↗
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↗
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703 305-8739. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service receptionist whose telephone number is 703 306-0377.


CHARLES APPIAH
PATENT EXAMINER

Charles Appiah
November 7, 2002

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